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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.33119 of 2019

N.F.J.Ponnudurai

...Petitioner

-Vs-

State represented by,

1.The Sub-Inspector of Police

Central Crime Branch, Team-I.

2.The Inspector of Police, C.C.B.,

EDF-I Wing, Team-I,

Both at office of the Commissioner of Police

Veperi, Chennai 600 007.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the report of the second respondent in R.C.No.493/COP/PG/2019 dated 01.07.2019 as void and illegal.

For Petitioner : Mr.Remus Ponnudurai

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the report of the second respondent in R.C.No.493/COP/PG/2019 dated 01.07.2019 as void and illegal.

2. The learned counsel for the petitioner has submitted that the petitioner has sent a complaint dated 02.04.2018 by registered post to the Commissioner of Police, Chennai, making certain allegations on N.Peter Periyannayagam and others and thereafter, he filed Cr1.O.P.No.16571 of 2018 for direction to the police to register an FIR on his complaint. He further submitted that the police has not registered the FIR and instead of registering the FIR, they have closed the complaint vide ROC.No.493/COP/PG/2019 dated 01.07.2019 and hence, he prayed to set aside the said order as void and illegal and direct the



second respondent to register the FIR and investigate the matter.

3. Per contra, the learned Additional Public Prosecutor has submitted that already this petitioner has filed CrI.O.P.No.16571 of 2018 to register FIR and the said petition was dismissed by this Court on 26.07.2018. He further submitted that thereafter, on 11.10.2018, the petitioner has filed another CrI.O.P.No.24035 of 2018 to direct the respondents to furnish the copy of the FIR and the said petition was also closed as FIR was not registered. However, the respondents were directed to serve closure report to the counsel for the petitioner. Accordingly, the closure report was served to the petitioner and hence this petition is not maintainable.

4. A perusal of the typed set of papers filed by the petitioner shows that already the petitioner filed CrI.O.No.16571 of 2018 to direct the respondents to register FIR and the said petition was dismissed by this Court on 27.06.2018. Hence, if the petitioner is aggrieved by the order of the second respondent in closing his complaint, it is open to him to file a private complaint before the Judicial Magistrate. But he cannot file this kind of petition.

5. Accordingly, this Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dna

To

- 1.The Sub-Inspector of Police
Central Crime Branch, Team-I.
- 2.The Inspector of Police, C.C.B.,
EDF-I Wing, Team-I,
Both at office of the Commissioner of Police
Veperi, Chennai 600 007.
- 3.The Public Prosecutor,
High Court, Madras.

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+2 ccs to Mr.Remus Ponnudurai Advocate sr 102723

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